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Immediate Release

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Environment Department Reaches \$275,000 Settlement of Alleged Air Violations at Santa Fe, Moriarty and Clayton Gravel Plants

(Santa Fe, NM) — The New Mexico Environment Department (NMED) has entered into a settlement agreement with Southway Construction Company to resolve alleged air violations at the company's gravel plants located near Santa Fe, Moriarty and Clayton, New Mexico. This settlement includes a \$225,000 cash fine payable to the State of New Mexico General Fund and a \$50,000 independent environmental audit of Southway's New Mexico operations.

"I hope this settlement sends a strong message that NMED will not tolerate companies disregarding New Mexico's environmental laws," said NMED Secretary Ron Curry. "This settlement will benefit the state general fund as well as the health of citizens all over the state through mandated investigation and improvement of Southway's environmental practices."

This agreement settles numerous violations of New Mexico air quality laws, regulations and permits alleged in a March 2004 compliance order issued to Southway by NMED. The alleged violations included operating equipment without a permit, operating equipment without required air pollution control devices, failure to submit required relocation notices to NMED for mobile operations, exceedences of permitted hours of operation, and exceeding legal opacity limits.

These violations were discovered following 1999 inspections of Southway's plants located approximately five miles east of Moriarty, and eight miles northeast of Clayton, as well as 2002 and 2003 inspections of Southway's crusher plant located approximately seven miles west of Santa Fe at the Caja del Rio landfill. Southway is headquartered in Alamosa, Colorado.

Under the agreement Southway will pay a total civil penalty of \$225,000 to the State of New Mexico. These monies will go to the State of New Mexico General Fund where they will be used for state programs including environmental enforcement.

The settlement also requires Southway to spend \$50,000 on an independent Environmental Management System (EMS) audit of all New Mexico operations. This audit will include evaluation reports and recommendations for ways to improve Southway's compliance policies, procedures, equipment, and training of employees. This report will also include an implementation schedule for these improvements. Once this report and schedule are approved by NMED, Southway will face stipulated penalties of \$250 per day if it does not live up to these provisions.

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“EMS audits are excellent ways for companies to both learn from their mistakes and help prevent pollution in the future,” said Secretary Curry.

Gravel crusher operations can be major sources of particulate matter (dust) emissions if proper environmental procedures are not followed. Dust can irritate the lungs, cause coughing, wheezing, and runny noses, and trigger allergic reactions and asthma attacks. For people with pre-existing respiratory conditions, dust can cause serious breathing problems. Breathing large amounts of dust for prolonged periods can result in chronic breathing and lung problems. Dust exposure creates the highest risks for infants, children, and teens, the elderly, people with respiratory conditions like asthma, bronchitis and emphysema, people with heart disease, and pregnant women.

For further information contact Jon Goldstein, Communications Director, NMED at (505) 827-0314.

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